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U. S. War Department

LETTER

FROM

THE ACTING SECRETARY OF WAR,

RECOMMENDING

Legislation relative to the regulation of the Saint Clair Flats Canal.

SEPTEMBER 10, 1888.—Referred to the Committee on Commerce and ordered to be printed.

WAR DEPARTMENT,

Washington City, September 8, 1888.

SIR: The Acting Secretary of War has the honor to transmit herewith a copy of a letter of the 7th instant from the Acting Chief of Engineers, relative to the blocking of commerce through the Saint Clair Flats Canal, Michigan, caused by the grounding of certain vessels presumed to be due to the carelessness, recklessness, or obstinacy of the pilots or masters of the vessels and their failure to observe the rules and regulations for the navigation of the canal established by the Secretary of War under section 3 of the act of August 14, 1876, chapter 267, and to recommend that section 7 of the river and harbor act of July 5, 1884, be amended so as to include the Saint Clair Flats Canal in its provisions, in order that he may have authority to prescribe rules and regulations in respect to its use and administration.

R. MACFEELY,

Acting Secretary of War.

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,

Washington, D. C., September 7, 1888.

SIR: A letter from Col. O. M. Poe, Corps of Engineers, reinforced by telegrams to the President and Postmaster-General of this date from prominent citizens and officers of chamber of commerce and shipping associations, shows that by the grounding of certain vessels the entire commerce through the Saint Clair Flats Canal is, temporarily at least, completely blocked.

I have no information as to the primary cause of the grounding of the vessels, but presume that it is due to the carelessness, recklessness, or obstinacy of the pilots or masters of the vessels, and their failure to observe the rules and regulations for the navigation of the canal established by the Secretary of War December 6, 1877, and amended by indorsements of December 4 and 10, 1878, under the third section of the act of Congress of August 14, 1876, chapter 267. This section im-

poses a penalty of \$1,000 fine for willfully and unlawfully injuring any pier, breakwater, or other work of the United States for the improvement of rivers and harbors or navigation in the United States. In the practical enforcement of this act at particular localities it is found that the act does not sufficiently provide for the protection of navigation against blockades, which, while not injuring any public work of improvement may cause great loss and inconvenience to commerce. Congress has recognized this fact by passing laws relating to particular works or localities.

Section 7, river and harbor act approved July 5, 1884, makes it the duty of the Secretary of War to prescribe rules and regulations in respect to the use and administration of the Des Moines Rapids Canal, Saint Mary's Falls Canal, and the Louisville and Portland Canal, and exacts a penalty of fine or imprisonment for the violation of said rules and regulations.

Section 5 of the river and harbor act of August 11, 1888, authorizes the Secretary of War to make rules and regulations for the navigation of the South Pass of the Mississippi River and imposes fine and imprisonment for their violation.

On pages 22 and 23 of the same act a similar provision is made as to the rules and regulations for the use and administration of the reservoirs at the headwaters of the Mississippi River.

There appears to be no good reason why the navigation of the Saint Clair Flats Canal should not be guarded and protected by an act of like import as that relating to the Saint Mary's Falls Canal, both being links in the same commercial chain.

It is therefore earnestly recommended that Congress be asked to pass an act to accomplish this end, in substance as follows, viz:

That section 7 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved July 5, 1884, be amended so as to include in its provisions the Saint Clair Flats Canal, Michigan.

Very respectfully, your obedient servant,

CLINTON B. SEARS,
Captain of Engineers U. S. A., in charge of Office.

Brig. Gen. ROBERT MACFEELY, U. S. A.,
Acting Secretary of War.

